

Workforce Information Advisory Council Membership Balance Plan

Name.

Workforce Information Advisory Council (WIAC).

Authority.

The WIAC is mandated by Section 308 of the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128), which amends section 15 of the Wagner-Peyser Act of 1933, (29 U.S.C. 491-2). The WIAC is being established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App.), and will act in accordance with the applicable provisions of FACA and its implementing regulations at 41 CFR 102-3.

Mission/Function.

The WIAC is a council of experts representing a broad range of national, state, and local data and information users and producers who consult with and advise the Secretary of Labor on the evaluation and improvement of the nationwide workforce and labor market information system and the statewide systems that comprise the nationwide system. The WIAC also recommends actions the Employment and Training Administration, the Bureau of Labor Statistics, and the States can take to cooperate in the management of the nationwide system. The system includes employment-related statistics and state and local workforce and labor market information.

Points of View.

In accordance with Wagner-Peyser Act Section 15(d), as amended by P.L. 113-128, there are 14 membership positions available on the WIAC. Each of the positions is designated to represent a specific role, background, or perspective:

- i) Four members who are representatives of lead State agencies with responsibility for workforce investment activities, or State agencies described in Wagner-Peyser section 4 (agency designated or authorized by Governor to cooperate with the Secretary of Labor), who have been nominated by such agencies or by a national organization that represents such agencies;
- ii) Four members who are representatives of the State workforce and labor market information directors affiliated with the State agencies that perform the duties described in Wagner-Peyser Act Section 15 (e)(2) (single State agency responsible for the management of the statewide workforce and labor market information system), who have been nominated by the directors;
- iii) One member who is a representative of providers of training services under section 122 (Identification of Eligible Providers of Training Services) of P.L. 113-128;
- iv) One member who is a representative of economic development entities;

- v) One member who is a representative of businesses, who has been nominated by national business organizations or trade associations;
- vi) One member who is a representative of labor organizations, who has been nominated by a national labor federation;
- vii) One member who is a representative of local workforce development boards, who has been nominated by a national organization representing such boards; and
- viii) One member who is a representative of research entities that utilize workforce and labor market information.

Because subject matter and technical expertise is necessary, the Secretary will select for membership those nominees who have demonstrated professional and personal qualifications with specific related experience.

As required by Wagner-Peyser Act Section 15(d)(2)(C), 29 U.S.C. §491-2(d)(2)(C), as amended by P.L. 113-128, the Secretary shall ensure that the membership of the Council is geographically diverse, and that no two members appointed under clauses i), ii), and vii), above, represent the same State.

Except as otherwise required by law, WIAC membership will be consistent with FACA and its implementing regulations, as follows: a) membership on WIAC will “be fairly balanced in terms of the points of view represented and the functions to be performed” (5U.S.C. App. 5(b)(2)); and b) members will include “a cross-section of those directly affected, interested, and qualified as appropriate to the nature and functions” of the WIAC (421 CFR 102-3.60(b)(3)). Under the FACA regulation, the composition of the WIAC will therefore depend upon several factors, including: i) the WIAC’s mission; ii) the potential geographic, ethnic, social, economic, or scientific impact of the WIAC’s recommendations; iii) the types of specific perspectives required; iv) the need to obtain divergent points of view on the issues before the WIAC, such as those of consumers, technical experts, the public at large, academia, business, or other sectors; and v) the relevance of State, local or tribal governments to the development of the WIAC’s recommendations (41 CFR 102-3, Subpart B, Appendix A).

To the extent permitted by FACA and other applicable laws, WIAC membership should also be consistent with achieving the greatest impact, scope and credibility among diverse stakeholders. The diversity in such membership includes, but is not limited to, race, gender, disability, sexual orientation, and gender identity.

Other Balance Factors.

As outlined in Wagner-Peyser Act Section 15(d)(2)(D), 29 U.S.C. §491-2(d)(2)(D), as amended by P.L. 113-128, each member of the WIAC will be appointed for a term of three years, except that the initial terms for members may be one, two, or three years in order to establish a rotation in which one-third of the members are selected each year. The Secretary may not appoint a member for more than two consecutive terms.

Any member whom the Secretary appoints to fill a vacancy occurring before the expiration of the predecessor’s term will be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office.

Candidate Identification Process

The Designated Federal Officer (DFO) will employ a multi-faceted approach to inform the public and appropriate stakeholder organizations regarding vacancies on the WIAC, the appointment length, and requirements for submitting nominations. To inform the general public, the Department, through the DFO will publish a notice in the *Federal Register* announcing the number of vacancies, the requirements for submitting nominations to the agency, and the period for submitting nominations. In addition, the DFO will transmit the WIAC vacancy announcement and nominations process information to stakeholder organizations.

Nominations submitted will be evaluated according to applicable statutes and regulations and this membership balance plan.

Date Prepared

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